

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF SOUTH PASADENA
CONVENED THIS 19TH DAY OF JANUARY, 2011 7:30 P.M.
AMEDEE O. "DICK" RICHARDS, JR., COUNCIL CHAMBERS
1424 MISSION STREET**

ROLL CALL

Mayor Ten convened the open session of the regular meeting of the City Council and the Community Redevelopment Agency (CRA) at 7:30 p.m. City Councilmembers/CRA Members present: Putnam, Schneider, and Sifuentes (leaving at approximately 7:40 p.m.); Mayor Pro Tem/CRA Vice Chair Cacciotti; and Mayor/CRA Chair Ten. Members absent: None. Other officials present: City Manager/CRA Executive Director Davidson; City Attorney/CRA Counsel Adams; Assistant City Manager Gonzalez; Police Chief Payne; Fire Chief Wallace; Finance Director Thai; City Librarian Fjeldsted; Community Services Director Pautsch; Public Works Director Sweeney; Planning and Building Director Watkins; Transportation Manager Woods; and City Clerk/CRA Secretary Kilby.

**CLOSED SESSION
ANNOUNCEMENTS**

City Attorney Adams reported that Mayor Ten convened the regular meeting of the City Council and the Community Redevelopment Agency at approximately 6:30 p.m. There was no one from the public in attendance wishing to speak before the Council, he said, and therefore they recessed into Closed Session. All members of the City Council were present, he said. City Attorney Adams said they met with legal counsel pursuant to Government Code Section 54956.9(a), City of South Pasadena v. Metropolitan Transportation Authority. He said the City Council received a briefing from Special Counsel Jan Chatten-Brown with regard to the status of that matter, which is currently on appeal. They discussed strategies with regard to that matter, he said, and took no action. There is nothing further to report, he said. City Attorney Adams reported that they met on the City of South Pasadena et al., v. Federal Highway Administration on the proposed 710 freeway pursuant to Government Code Section 54956.9(a)(c). They discussed strategies with regard to the conclusion of that case, he said, and took no final action. Thus, he said, there is nothing further to report.

INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Sifuentes offered the invocation and led the Pledge of Allegiance.

ANNOUNCEMENTS OF EVENTS

Mayor Ten said that Councilmembers represent the City on many regional boards. He said that Councilmember Sifuentes will be leaving early in order to travel to Sacramento to attend a meeting of the League of California Cities tomorrow.

Councilmember Sifuentes requested that an item be added to the next agenda on City Manager performance, seconded by Councilmember Putnam.

For the record, Councilmember Sifuentes expressed his positions on items to be heard tonight: He said on Item #11, Pine Street, there has been significant improvement. On Item #12, Hermosa Street, he said he met with residents and agreed that repairs are needed. On Item #13, Farmers' Market, he agreed with the proposed exemptions. On Item #14, Public Works Yard, he supported rebuilding the garage that was destroyed in the fire. On Item #15, flag policy, he said the City should maintain a national standard.

Councilmember Sifuentes left the meeting.

Mayor Pro Tem Cacciotti announced an upcoming tentative meeting Saturday, February 5, for a community presentation on tiered water rates. He announced a Santa Monica Mountains Conservancy meeting January 24, at which a request by the City for \$150,000 for the Arroyo Seco Pedestrian and Bicycle Path will be discussed. He invited the public and commissioners to attend and provide public comment. He announced details about the San Gabriel Valley Council of Governments and its meetings.

City Manager Davidson announced that construction on the Fair Oaks Avenue traffic improvement project will begin shortly. He said that a community meeting on this will be held on February 7. He announced that on January 29, a special meeting will be held with newly elected Senator Kevin De León.

Mayor Ten introduced Police Chief Payne, who described the upcoming Arrive Alive program, which will take place on Saturday, January 22. He made

remarks about the revamped student safety program, stating that 27 students are scheduled to attend.

**MAYOR'S APPOINTMENTS/
REAPPOINTMENTS**

Scott Kuhn

Diana Mahmud

Walter Cervantes

Georgina Phelps

Robert Conte

Kim Hughes

William Kelly

Drew Ready

Madalynne Wardlow

Ernie Arnold

Dan Evans

Christopher Glaeser

Robert Joe

John Vandcook

Mayor Ten appointed Scott Kuhn to the Natural Resources and Environmental Commission for a three-year term until 12/31/13. He reappointed Diana Mahmud to the Natural Resources and Environmental Commission for a three-year term until 12/31/13. He reappointed Walter Cervantes and Georgina Phelps to the Senior Citizen Commission for three-year terms until 12/31/13. And subject to amendments to the South Pasadena Municipal Code, projected to be effective February 18, 2011, he reappointed Robert Conte to the Cultural Heritage Commission; Kim Hughes, William Kelly, and Drew Ready to the Natural Resources and Environmental Commission, and Madalynne Wardlow to the Senior Citizen Commission, for partial terms until 12/31/12. No objections were voiced.

Subject to the same amendments, he appointed the following to the newly created Freeway and Transportation Commission, with one objection by Councilmember Schneider: Ernie Arnold and Dan Evans for three-year terms ending 12/31/13; Christopher Glaeser and Robert Joe for partial terms ending 12/31/12; and John Vandercook for a partial term ending 12/31/11.

In regard to the objection mentioned in the previous paragraph, Councilmember Schneider said the Design Advisory Group (DAG) members wrote a letter to the City Council about the Council's action to dissolve the DAG. The City has no jurisdiction over the DAG and cannot dissolve it, he said. He said he and Mayor Pro Tem Cacciotti cannot serve on the new body, and that all current DAG members with exception of two are not on the new commission, resulting in a loss of experience. He made related remarks. The appointments should be reconsidered, he said. He said the Council's action was not in order and is a mistake. He said he will not cast a vote on this.

**ITEMS REMOVED FROM
THE CONSENT CALENDAR
FOR SEPARATE
CONSIDERATION**

Councilmember Putnam requested that Item #9, Urban Forestry Grant, be removed from the Consent Calendar for separate consideration. Mayor Pro Tem Cacciotti requested that Item #8, investment report, be removed. Mayor Ten said that items removed would

be considered later.

**APPROVAL OF THE
MINUTES OF THE
REGULAR MEETINGS OF
DECEMBER 15, 2010, AND
JANUARY 5, 2011**

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council, and the City Council seated as the Community Redevelopment Agency (CRA), approved the minutes of the regular meetings of the City Council and the CRA of December 15, 2010, and January 5, 2011.

(Cacciotti, Putnam)

**APPROVAL OF PREPAID
WARRANTS IN THE
AMOUNT OF \$552,345.40
GENERAL CITY
WARRANTS IN THE
AMOUNT OF \$384,487.79
AND PAYROLL IN THE
AMOUNT OF \$470,350.65**

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council approved Prepaid Warrants #166166-166202; General City Warrants #166203-166331; and payroll 01-07-11, a total of \$1,407,183.84. Seated as the Community Redevelopment Agency (CRA), they approved the CRA Warrants totaling \$4,703.34, which are included in the above total.

(Cacciotti, Putnam)

**SECOND READING AND
ADOPTION OF
ORDINANCE NO. 2216
AMENDING SOUTH
PASADENA MUNICIPAL
CODE SECTION 2.25
(TERMS OF OFFICE) AND
2.26 (TERMS OF MEMBERS
– FILLING OF VACANCIES),
ARTICLE IV (BOARDS AND
COMMISSIONS – GENERAL
PROVISIONS) OF CHAPTER
2 (ADMINISTRATION) TO
PROVIDE FOR PARTIAL
TERM APPOINTMENTS**

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council read by title only for second reading, waiving further reading, and adopted Ordinance No. 2216, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING SECTIONS 2.25 (TERM OF OFFICE) AND 2.26 (TERMS OF MEMBERS—FILLING OF VACANCIES), ARTICLE IV (BOARDS AND COMMISSIONS—GENERAL PROVISIONS) OF CHAPTER 2 (ADMINISTRATION) OF THE SOUTH PASADENA MUNICIPAL CODE, TO PROVIDE FOR PARTIAL TERM APPOINTMENTS.

(Cacciotti, Putnam)

**REQUEST FROM THE
SOUTH PASADENA
CHAMBER OF COMMERCE
FOR CITY TO CO-SPONSOR
AND WAIVE THE
ASSOCIATED CITY FEES
FOR THE ECLECTIC
MUSIC FESTIVAL & ART
WALK EVENT ON**

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council approved a request from the South Pasadena Chamber of Commerce for the City to co-sponsor and waive the associated city fees for the Eclectic Music Festival & Art Walk Event on Saturday, May 7, 2011.

(Cacciotti, Putnam)

SATURDAY, MAY 7, 2011

**REJECTION OF CLAIM
FOR REFUND OF TAX
SUBMITTED TO THE CITY
OF SOUTH PASADENA FOR
\$157,432.62 BY NEW
CINGULAR WIRELESS PCS
LLC AN AFFILIATE OF
AT&T MOBILITY LLC**

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council rejected the claim for refund of tax submitted to the City by New Cingular Wireless PCS LLC, an affiliate of AT&T Mobility LLC, for an amount totaling \$157,432.62 in order to establish a six-month deadline for the claimant to take legal action against the City.

(Cacciotti, Putnam)

**PUBLIC COMMENTS AND
SUGGESTIONS**

Mayor Ten determined that there were no public comment cards.

**ANNOUNCEMENTS
CONTINUED**

Mayor Ten recognized Eva Flynn, a Crossing Guard assigned to Mission and Marengo. She is being recognized for her exemplary service by resident Nichole Hofstad-Ward, he said, and he read from her letter of commendation. Mayor Pro Tem Cacciotti also commended Ms. Flynn.

**ACTION ITEMS AND ITEMS
PULLED FROM CONSENT
CALENDAR:**

**PRESENTATION OF
FOLLOW-UP TRAFFIC
STUDY OF PINE STREET
IMPROVEMENTS**

Public Works Director Sweeney presented the staff report on the follow up of Pine Street traffic improvements, accompanied by PowerPoint slides. City Manager Davidson added comments. Public Works Director Sweeney and Police Chief Payne responded to questions.

Mayor Ten opened the public comment period.

Laura Morales, 2100 Pine Street; Dimitri Kassakovski, 2042 Pine Street; and Mark Deetjen, 2038 Pine Street, presented a letter and petitions signed by residents Mr. Kassakovski spoke for the group. He said progress has been made, but there has been no appreciable change in the Pine Street traffic problem. He questioned the validity of the study; he requested that the City change the designation of the street from collector to local; he urged the City to initiate additional speed-mitigation measures; and he requested that the City seek a comprehensive solution.

Mayor Ten closed the public comment period.

Public Works Director Sweeney responded to additional questions. Discussion followed about the collector/residential street issue, speed bumps and the consequences, residents' suggestions, an Alhambra study and that city's interest in additional mitigations, average speeds, traffic decreases due to the economy, and other issues. Public Works Director Sweeney agreed to look into these issues in an effort to develop other remedies to continuing traffic issues on Pine Street.

By voice vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council approved to receive and file the follow-up traffic study of Pine Street Improvements.

(Cacciotti, Putnam)

**CONSIDERATION TO FUND
HERMOSA STREET
IMPROVEMENTS**

Finance Director Thai presented the staff report on the consideration to fund Hermosa Street improvements. He and Public Works Director Sweeney responded to questions. City Manager Davidson made additional remarks. City Attorney Adams provided legal advice on bidding.

Mayor Ten opened the public comment period. No one came forward and he closed the public comment period. Discussion followed.

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council approved starting the process to fund the Hermosa Street improvements. They directed that this project be included in the FY 2011-12 Capital Improvement Program budget, with \$51,000 to come from water funds (due to possible street damage from the Grand Reservoir reconstruction), and the remainder to come from the General Fund or the Capital Improvement Program. The City Council directed that the project be rebid and returned to Council for award of bid so that construction can begin in FY 2011-12.

(Schneider Cacciotti)

REQUEST BY THE SOUTH PASADENA CHAMBER OF COMMERCE TO MODIFY CERTAIN PROVISIONS OF THE FARMERS' MARKET CONTRACT INCLUDING RESCINDING THE 5% GROSS REVENUE OBLIGATION, EXEMPTING FARMERS FROM THE BUSINESS LICENSE TAX REQUIREMENT AND EXEMPTING VENDORS FROM THE BUSINESS IMPROVEMENT TAX PORTION OF THE BUSINESS LICENSE TAX REQUIREMENT

Assistant City Manager Gonzalez presented the staff report on a request by the Chamber of Commerce to modify certain provisions of the Farmers' Market contract, including rescinding the 5% gross revenue obligation, exempting farmers from the business license tax requirement, and exempting vendors from the business improvement tax portion of the business license tax requirement. He and City Attorney Adams responded to questions.

Mayor Ten opened the public comment period.

Odom Stamps, 318 Fairview Avenue, who said he is a member of both the Chamber of Commerce Board and the South Pasadena Preservation Foundation Board, and a liaison to both, said the Foundation submitted a letter to the Council. He explained that four years ago, the Foundation hired an individual to keep the Iron Works Museum and its restrooms open for the Farmers' Market—a Health Department requirement. This is not the Foundation's mission, he said, and this cost must be borne by the Market's operator. This major expense is one reason the Chamber is requesting that its financial obligations to the City be modified, he said.

Glen Duncan, 2031 Berkshire Avenue, South Pasadena Preservation Foundation, supported the Chamber's request.

Rich Roche, 1742 Monterey Road, Chair, Chamber of Commerce, described the history of the City/Chamber partnership in the Farmers' Market. He assessed progress in meeting the goals. He requested that the City Council re-look at the 5% obligation because some initial assumptions did not work out.

Tiona Wierman, 121 South Lane, President, South Pasadena Preservation Foundation, read the Foundation's resolution supporting the Chamber's request to forego 5% gross revenue fee in order for the Chamber to meet a financial obligation to the Foundation.

Scott Feldmann, no address stated, CEO, Chamber of Commerce, responded to questions that arose earlier. He spoke about street closures and safety, taxing

farmers, fairness, loss of revenue due to a decision to lower the minimum fee, and unanticipated costs. Speaker Roche clarified an issue.

Discussion continued. Councilmember Putnam requested additional financial information from the Chamber. City Attorney Adams provided legal advice on allowable Closed Session items in terms of the Chamber's finances and access to public records. He suggested that an ordinance could be passed that would allow a temporary exemption.

Discussion continued. Mayor Ten suggested a reduced fee instead of an exemption. Councilmember Schneider said vendors should pay a reduced business license fee and Business Improvement Tax. Councilmember Putnam said the Farmers' Market needs to be competitive with farmers. Speaker Feldmann responded to questions. Councilmember Putnam said that if the business license tax is waived, the businesses should still be required to complete an application.

Mayor Ten closed the public comment period.

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council directed that discussion of the request from the Chamber of Commerce to rescind the 5% gross revenue obligation related to the Farmers' Market be considered as soon as possible at a later time once additional information is provided to the City Council on Chamber of Commerce finances. The City Council directed staff to draft an ordinance that would exempt the Certified Producers from the business license tax and that would exempt vendors from the Business Improvement Tax (BIT) portion of the business license tax, both for one year.

(Cacciotti, Schneider)

**DIRECTION REGARDING
THE INSURANCE FIRE
CLAIM AND POTENTIAL
ALTERNATE USES OF THE
PUBLIC WORKS YARD
LOCATED AT 825 MISSION
STREET**

Assistant City Manager Gonzalez presented the staff report on the insurance fire claim and potential alternate uses of the Public Works Yard located at 825 Mission Street. He showed aerial photographs of the Yards and the Arroyo Seco. He responded to questions about locating the Yards at the Arroyo, removing the existing fuel tanks, dividing the property, relocating the Water Department to Garfield

Reservoir, storage needs, Time Warner-occupied land in the Arroyo, space planning and needs analysis, necessary environmental impact reports, and other issues.

Mayor Ten opened the public comment period. No one came forward and he closed the public comment period.

Discussion followed. City Attorney Adams, Public Works Director Sweeney, City Manager Davidson, and Assistant City Manager Gonzalez answered questions and made additional remarks. Councilmember Putnam requested that space planning be instituted for this project. Councilmember Schneider requested dimensions of the Time Warner-occupied lot. Mayor Pro Tem Cacciotti requested dimensions of the Garfield Reservoir property.

Councilmember Putnam made a motion, seconded by Mayor Pro Tem Cacciotti, to direct staff to investigate the option of rebuilding the structure destroyed in the 2009 Yards fire entirely at the Yards site; and the option of rebuilding partially at the existing site, and partially in the Arroyo or at Garfield Reservoir. No objections were voiced.

**MONTHLY INVESTMENT
REPORTS FOR NOVEMBER
2010**

Mayor Pro Tem Cacciotti requested that a report on unfunded retirement pension benefits and medical costs be included in the monthly investment reports. Finance Director Thai responded that an actuarial study is needed to determine changes, and that this is undertaken every two years. Discussion followed. Finance Director Thai said a report can be included in the quarterly financial report to the City Council.

Mayor Ten said there were no speaker cards for this item.

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council, and the City Council seated as the Community Redevelopment Agency (CRA) Board, approved the City and CRA monthly investment reports for November 2010. The City Council directed staff to provide a report to the City Council every three months on retirement costs, to include the number of retirees and the cost of pensions

and medical benefits.

(Cacciotti, Putnam)

**ADOPTION OF
RESOLUTION NO. 7144
APPROVING THE
SUBMISSION OF AN
APPLICATION FOR
FUNDING FROM THE
URBAN FORESTRY GRANT
PROGRAM ENTITLED, "AN
URBAN FOREST FOR
EVERY CITY" AND
AUTHORIZING THE CITY
MANAGER TO EXECUTE
ALL DOCUMENTS
NECESSARY TO RECEIVE
THE GRANT**

Councilmember Putnam questioned the cost of trees that would be purchased in the proposed Urban Forestry Grant Program. He questioned the need for a brochure, which is to be produced as part of the program, when one already exists. Public Works Director Sweeney responded.

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council approved Resolution No. 7144, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, FOR FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM ENTITLED, "AN URBAN FOREST FOR EVERY CITY," AS PROVIDED THROUGH PROPOSITIONS 40 AND 84.

(Putnam, Cacciotti)

**PROVIDE DIRECTION TO
ESTABLISH THE CITY
FLAG-LOWERING POLICY**

Due to the late hour, this item was postponed.

**DIRECTION REGARDING
EXPANDING THE FAÇADE
IMPROVEMENT PROGRAM
TO THE COMMERCIAL
STRIP ON FAIR OAKS
AVENUE BETWEEN OXLEY
STREET AND MISSION
STREET**

Due to the late hour, this item was postponed.

**EXPLANATION OF
CAPITAL IMPROVEMENT
PROJECT CONTRACT
STRUCTURES AND
BUDGETS, AND AN
ACCOUNTING OF CAPITAL
PROJECT SURPLUSES**

Due to the late hour, this item was postponed.

**PUBLIC COMMENTS AND
SUGGESTIONS
(CONTINUED)**

There were no members of the public wanting to provide public comment.

**COUNCILMEMBERS'
COMMENTS**

Councilmember Schneider referred to a Fremont Avenue truck study undertaken by the City of Alhambra, which recommended that trucks on Fremont in that city be banned. City Manager Davidson contacted the City of Alhambra about cooperating on this project, he said, and Councilmember Schneider read from the letter of response from Alhambra. The letter said that Alhambra is not interested in banning trucks on Fremont, he said. The long-term completion of the 710 freeway will address the concerns, the Alhambra City Manager said.

Councilmember Putnam noted that an article appeared in the *Los Angeles Times* today on cities racing to shield redevelopment funds from the State. He said this refers to the State's proposal to seize redevelopment money, and that cities are seeking to transfer funds from the redevelopment agency to the city for specific projects before the State can take it away. Councilmember Putnam requested that this item be added to the next agenda, seconded by Councilmember Schneider. He requested that staff prepare fully on developments surrounding this proposed seizure of redevelopment funds and determine whether there are any City projects, such as the downtown redevelopment project or others, where funds could be transferred or obligated before the State takes them away.

Mayor Pro Tem Cacciotti announced a high-efficiency toilet exchange program February 5, 2011, in Baldwin Park.

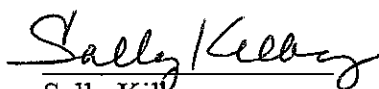
Mayor Ten announced that volunteers are needed at the Senior Center for delivery of senior meals and assistance at the senior lunches.

**CITY MANAGER
COMMUNICATIONS**

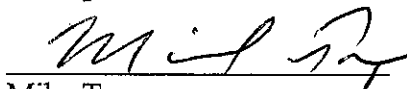
There were no City Manager communications.

ADJOURNMENT

By consensus, the City Council adjourned at 11:04 p.m.



Sally Kilby
City Clerk
CRA Secretary



Mike Ten
Mayor
Chair, CRA